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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/285,550	04/02/1999	MATTHEW W. POISSON	BA0435US (NORT10-00077)	3847

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EXAMINER

NAJJAR, SALEH

ART UNIT	PAPER NUMBER
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2157

DATE MAILED: 01/10/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/285,550

Applicant(s)

POISSON ET AL.

Examiner

Saleh Najjar

Art Unit

2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 October 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 14.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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1. This action is responsive to the preliminary amendment filed on October 29, 2002. Claim 12 was amended. Claims 1-20 are pending examination. Claims 1-20 represent method, and program product directed toward monitoring a virtual private network.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CAR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shrader, U.S. Patent No. 5,864,666 in view of Johnson et al., U.S. Patent No. 5,987,135.

Shrader teaches the invention as claimed including a WEB based administration of IP tunneling on Internet fire walls (see abstract).

As to claim 1, Shrader teaches a method of managing a virtual private network switch, the method comprising:

transmitting a request for information describing at least one virtual private network attribute from multiple computers providing at least one virtual private network function (see figs. 4-7; col. 5-8, Shrader discloses that an administrator is presented with a query page to query for functions offered by the virtual private network firewall).

receiving information describing at least one virtual private network attribute from multiple computers providing at least one virtual private network function (see figs. 1-7; col. 7-8, Shrader teaches that a user interface is used to query and administer IP tunnel definitions and filter rules at the firewall computers);

preparing a report by organizing the received information into a table that lists each of the multiple computers and the corresponding virtual private network attribute received from each of the multiple computers; and displaying the prepared report to the user (see figs. 4-7; col. 7-8, Shrader teaches that a tunnel definition page is prepared in response to the querying function performed by the user interface).

Shrader fails to teach claimed limitation of transmitting a script for requesting information.

However, Johnson teaches a system and method for controlling and monitoring remote distributed processing system from one or more control processing systems by downloading agent programs (see abstract). Johnson teaches the claimed limitation of transmitting a script/agent to monitor attribute conditions of network elements (see col. 3-4).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Shrader by implementing the agent launch functions provided by Johnson for data collection and reporting. One would be motivated to do so to provide remote control instructions for a variety of host processors and operating systems.

Shrader does not explicitly teach the limitation of an extranet switch. Shrader does teach real-time communication through a firewall (see col. 5-8).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Shrader by specifying the firewall computers as an extranet switch since the same functionality of providing real-time access through a firewall is achieved.

As to claim 2, Shrader teaches the method of claim 1 above, further comprising: transmitting a request for the information (see col. 5-8, Shrader teaches querying the nodes on the network for tunnel definitions).

As to claim 3, Shrader teaches the method of claim 1 above, wherein the virtual private network function comprises providing at least one tunnel (see col. 6, lines 50-65, Shrader teaches that a number of tunnels are provided).

As to claim 4, Shrader teaches the method of claim 1 above, wherein the virtual private network function comprises authentication (see col. 9).

As to claim 5, Shrader teaches the method of claim 1 above, wherein the attribute comprises at least one tunneling characteristic (see col. 9-10, Shrader teaches that tunnel definitions are provided that characterize tunnels).

As to claim 6, Shrader teaches the method of claim 5 above, wherein the tunneling characteristic comprises the tunnel capacity of the computer (see col. 6, lines 50-65, Shrader teaches that the number of tunnels provided are defined between the source and destination addresses).

As to claim 7, Shrader teaches the method of claim 5 above, wherein the tunneling characteristic comprises a number of users using a tunnel provided by a computer (see col. 6).

As to claim 8, Shrader teaches the method of claim 5 above, wherein the tunneling characteristic comprises a tunneling protocol (see col. 5-9).

As to claim 9, Shrader teaches the method of claim 1 above, further comprising receiving a time interval, and wherein the preparing a report comprises preparing a report based on the received time interval (see col. 5-8).

As to claim 12, Shrader teaches a method of managing a virtual private network including at least one extranet switch, comprising:

transmitting a request for requesting information describing at least one virtual private network attribute (tunnel definitions) from a selected one of at least one extranet switch (firewall providing Internet communication) providing at least one virtual private network function; receiving the information; providing a menu identifying at least one report capable of preparation; receiving a selection identifying at least one report (tunnel definition and filter rules); preparing the selected report including the received information of the selected extranet switch; and displaying the prepared report to the

user (see figs. 4-7; col. 7-8, Shrader discloses that a request is sent through a remote user interface to list and edit tunnel definitions and filter rules).

Shrader fails to teach claimed limitation of transmitting a script for requesting information.

However, Johnson teaches a system and method for controlling and monitoring remote distributed processing system from one or more control processing systems by downloading agent programs (see abstract). Johnson teaches the claimed limitation of transmitting a script/agent to monitor attribute conditions of network elements (see col. 3-4).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Shrader by implementing the agent launch functions provided by Johnson for data collection and reporting. One would be motivated to do so to provide remote control instructions for a variety of host processors and operating systems.

Claims 10-11, and 13-20 do not teach or define any new limitation above claims 1-9 and therefore are rejected for similar reasons.

4. Applicant's arguments filed have been fully considered but they are not persuasive.

In the remarks, the applicant argues in substance that; A) Shrader fails to disclose, teach or suggest monitoring the virtual private network attributes of an extranet switch; B) There is no teaching or suggestion in Johnson to transmit a script command to an extranet switch requesting virtual private network attributes; C) that neither Shrader or Johnson teach providing a menu identifying at least one report capable of preparation; receiving a selection identifying at least one report; preparing the selected report including the received information of the selected extranet switch.

In response to A); Shrader does not explicitly teach the limitation of an extranet switch. Shrader does teach real-time communication through a firewall (see col. 5-8).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Shrader by specifying the firewall computers as an extranet switch since the same functionality of providing real-time access through a firewall is achieved.

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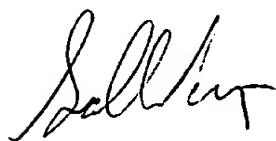
In response to B); the Johnson reference was simply used to modify the Shrader reference by utilizing a script that is transmitted to network elements for collecting attribute data and was not used to reject the claim.

In response to C); Shrader does teach providing a menu identifying at least one report (tunnel definition) capable of preparation; receiving a selection identifying at least one report (tunnel definition); preparing the selected report including the received information (filter rules) of the selected extranet switch (firewall) (see figs. 4-7; col. 7-8).

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Saleh Najjar whose telephone number is (703) 308-7613. The examiner can normally be reached on Monday-Friday from 6:30 to 3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, *Ario Etienne*, can be reached on (703) 308-7562. The fax phone number for this Group is (703) 308-9052.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-9600. The fax number for the After-Final correspondence/amendment is (703) 746-7238. The fax number for official correspondence/amendment is (703) 746-7239. The fax number for Non-official draft correspondence/amendment is (703) 746-7240.



Saleh Najjar

Primary Examiner / Art Unit 2157